

CAUSE NUMBER: _____

THE STATE OF TEXAS § _____COURT
 §
 §
COUNTY OF _____ § _____, COUNTY, TEXAS

AFFIDAVIT FOR SEARCH WARRANT
Article 18.02(10), Texas Code of Criminal Procedure

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE
AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING
DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

I.

Your Affiant is Trooper Samuel Sampller, Badge Number 54321, who is currently employed with the Texas Department of Public Safety as a Peace Officer. Your Affiant has been a peace officer for 9 years and holds current SFST certification.

Your Affiant has good reason to believe that heretofore, on or about the June 8th, 2025, in the City of Bastrop, and County of Bastrop, more specifically at the 9000 East Highway 71, Bastrop, Texas, SUSPECT, John Smith, White/Male, and DOB: 01/01/1981, did then and there commit the offense relating to the operation of a motor vehicle while intoxicated namely:

DWI Third or More – Third Degree Felony, in violation of Penal Code, Section 49.09(b)(2)

Affiant has probable cause for said belief by reason of the following facts: My belief of the foregoing statement is based upon personal knowledge.

On Sunday, June 8th, 2025, at approximately 11:00 p.m., I, Trooper Samuel Samplier, Badge Number 54321, was conducting routine patrol duties on State Highway 71, a public roadway in Bastrop, Bastrop County, Texas. I was operating a patrol unit outfitted with emergency lights, siren, and department markings, stenciled around my vehicle, identifying my patrol unit as a Police Vehicle. I was traveling eastbound, approaching State Highway 29.

I observed a vehicle, later identified as a black 2024 Toyota Tundra, displaying TX LP: ABC1234, traveling eastbound in the center lane.

I observed the Toyota Tundra speeding at 80 miles an hour in a 65 mile an hour zone. I confirmed speed with the front mobile Doppler Radar antenna at 80 mph in a 65 mph zone, in violation of Texas Transportation Code Chapter 545.352. I am certified in use of the Mobile Doppler Radar by the Texas Department of Public Safety. I also observed the Toyota Tundra following too closely behind a vehicle in front of it at an unsafe distance, in violation of Texas Transportation Code Chapter 545.062.

I got behind the vehicle and activated my emergency lights to initiate the traffic stop. Upon activation of my emergency lights, the driver of the Toyota Tundra did not react to my presence at all. I then activated my siren, and the driver finally stopped abruptly, slowing down from 80 miles an hour to 50 miles an hour in the center lane and then started to move over to the right and pulled over on a right-improved shoulder of the highway and came to a stop. I exited my patrol vehicle, wearing the department issued uniform, clearly identifying me as a Police Officer, and made a passenger-side approach on the Toyota Tundra.

Upon contact at the passenger window, I asked the driver for his driver license and proof of insurance. During the contact with the driver, I detected a strong odor of unknown metabolized alcoholic beverage coming from inside the vehicle. The driver had bloodshot glassy eyes, droopy eyelids, slurred speech, and a disheveled appearance. The driver also had a bit of vomit on his t-shirt. The driver was not able to provide proof of insurance.

I identified the driver by his Texas Driver License as John Smith, White/Male, DOB: 01/01/1981, TXDL: 12345678.

I asked Mr. Smith to step out of the vehicle. As he exited the vehicle, Mr. Smith lost his balance, almost fell, and cut himself on the door. At the back of the vehicle, Mr. Smith had to hold himself not to fall over.

During the interview with Mr. Smith outside of his vehicle, Mr. Smith displayed all common signs of intoxication, including bloodshot glassy eyes, droopy eyelids, and slurred speech. Mr. Smith had a distinct odor of unknown metabolized alcoholic beverage coming from his breath. I asked Mr. Smith where he was going to and coming from. Mr. Smith stated that he was coming from his friend's house and going back to his house. I told Mr. Smith that he's heading away from Austin, and Mr. Smith looked at me and said, "Really? I didn't realize." I asked Mr. Smith if he knew where he was, and Mr. Smith said that he believed that he was in Austin. I told Mr. Smith that he was actually in Bastrop, Texas, and Mr. Smith looked surprised, saying that he could have sworn this was Austin. I asked if he consumed any alcohol at his friend's house, and Mr. Smith said, "Yeah, I did." I asked how much alcohol he consumed, and Mr. Smith stated, "I honestly don't remember." I asked if it was too much, and Mr. Smith stated, "No, I never drink

too much." I asked if he drank more than five beers, and he said, "I wasn't drinking beer, I was drinking whiskey." I asked if he had more than two glasses of whiskey, and he said, "Yeah, he probably did." I asked if he could estimate the number of glasses of whiskey that he had, and Mr. Smith stated, "If I had to guess, I had about seven glasses of whiskey." At that time, I confirmed that Mr. Smith drank seven glasses of whiskey, and he stated, "That's what I said." I asked if Mr. Smith had any dinner last night, and Mr. Smith said that, "Yeah, he had dinner at his friend's house. They had some steak." I asked if he remembered what time that was, and he said, "Just regular dinner time." Afterward, I asked Mr. Smith if he had any medical conditions or any head injuries or any other injuries that I should know about, and Mr. Smith stated, "No, nothing that you should know about." So I confirmed that Mr. Smith had no medical conditions that would impair him from taking a field sobriety test, and he said, "No, no, he was completely fine."

I am certified to administer the Standardized Field Sobriety Tasks. I determined to administer SFSTs on Mr. Smith. I administered the following sobriety tasks on a paved, improved shoulder of State Highway 71 at 9000 East Highway 71, Bastrop, Texas:

Horizontal Gaze Nystagmus - HGN (6 Possible Clues – 2 in each eye)

I placed Mr. Smith in the testing position, facing away from passing traffic and moving lights of the passing traffic, provided Mr. Smith instruction for the HGN test, and presented Mr. Smith with a stimulus, the tip of my finger, in front of Mr. Smith's eyes. Mr. Smith's pupils were of equal size. There was equal tracking in both eyes. No resting nystagmus was observed, and Mr. Smith did not claim to have had any recent head injuries.

During the test, the following clues were observed:

Lack of Smooth Pursuit - There was a lack of smooth pursuit in both eyes. Eyes did not pursue smoothly, eyes "bounced" or "jerked" as they tracked the stimulus.

Distinct and sustained Nystagmus at maximum deviation - At maximum deviation, there was a distinct and sustained nystagmus present in both eyes.

Onset Nystagmus prior to 45 degrees - Nystagmus onset prior 45 degrees was observed in both eyes.

Total of 6 clues were observed. I performed a Vertical Nystagmus Test on Mr. Smith and was observed in both eyes.

Also, Mr. Smith continued to turn his head repeatedly, even though I advanced him not to, and I was forced to restart the test at least 4 different times.

Walk and Turn (8 Possible Clues).

I placed Mr. Smith in the instructional position with his right foot in front of his left foot with the heel of the right foot touching the toe of the left foot. I demonstrated and explained the task in detail for Mr. Smith. Mr. Smith stated that he understood all the instructions.

During the test, the following clues were observed:

Can't keep balance during instructions (or Broke instructional position) - Mr. Smith was completely unable to keep the instructional position. I had to allow him to stand normally, to continue with the test.

Incorrect number of steps - Mr. Smith did an incorrect amount of number of steps going forward doing 11 out of 9 steps.

Stopped Walking (or Stopped before completing the test) – Mr. Smith stopped before completing the turn and asked, "Do I need to go back now?"

Improper Turn – Mr. Smith just did a quick “about-face” shuffle.

Stepped off the line – Mr. Smith stepped off line on steps three and seven going forward and on steps two and six going back.

Used Arms for Balance – Mr. Smith used his arms for balance throughout the test.

A total of 6 clues were observed for this test.

One Leg Stand (4 Possible Clues)

I placed Mr. Smith in the instructional position. I demonstrated and explained the task in detail for Mr. Smith. Mr. Smith stated that he understood all the instructions. I asked Mr. Smith which leg he preferred to lift off the ground, and Mr. Smith advised that he preferred to lift his right leg. Mr. Smith chose to lift his right leg for this task.

During the test, the following clues were observed:

Put Foot Down - Mr. Smith put the foot down approximately over 20 times throughout the test.

Used arms for Balance - Every time Mr. Smith put his elevated foot down, Mr. Smith would raise his hands as he lifted it back up.

A total of 1 clue was observed for this test.

Based on clues observed and totality of the circumstances, I determined Mr. Smith was operating a motor vehicle, namely the black 2024 Toyota Tundra, in a public place, State Highway 71, Bastrop, Bastrop County, Texas, while not having the normal use of Mr. Smith's mental and physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or other substance into his body.

Consequently, Mr. Smith was placed under arrest for DWI Third or More, in violation of Texas Penal Code Chapter 49.09(b)(2).

In my patrol vehicle, I advised Mr. Smith of his Miranda Warnings, by reading it out loud to Mr. Smith, and Mr. Smith stated that he understood his rights. In my patrol vehicle, I advised Mr. Smith of his DIC-24 Statutory Warning orally and in writing, by playing the recording of the Warning on my computer and pulling up the written version of the Warning on my computer screen for Mr. Smith to follow along, at 11:35 p.m.

I asked Mr. Smith for a breath specimen, and Mr. Smith agreed to provide the specimen.

The Criminal History return on Mr. Smith yielded a result for 2 previous convictions for DWI: in Travis County, on 02/02/2012, and in Hays County, on 03/03/2013.

I inventoried the Toyota Tundra and released the vehicle to Bastrop City towing.

Mr. Smith was transported to Bastrop County DPS district office.

I am a certified Intoxylizer 9000 operator, operator certificate number 22334. During the collection of the Breath Sample, Mr. Smith did not blow properly into the instrument for the instrument to register a breath sample. After several attempts, Mr. Smith refused to cooperate and provide a valid sample. Therefore, at that time, I took Mr. Smith's actions as a refusal.

II.

The Affiant has seen intoxicated persons on many occasions in the past. Based on all of the above as well as his experience and training, the Affiant determined that the accused, John Smith, White/Male, and DOB: 01/01/1981 was intoxicated, and placed the accused under arrest for Driving While Intoxicated. The Affiant requested a sample breath and/or blood from the accused, which the accused refused to provide. The Affiant has good reason to believe that under the laws of the State of Texas, the following described property and items are subject to seizure, to wit: blood from the person of the said John Smith, White/Male, and DOB: 01/01/1981 who is currently being held at Bastrop County Jail.

III.

The Affiant has good reason to believe and does believe that the blood from the person of the said John Smith listed and described above is now in the possession and control of the said blood on and within the body of said John Smith.

IV.

That the evidence will constitute evidence of the commission of an offense relative to the

operation of a motor vehicle while intoxicated, namely Driving While Intoxicated, or will show that John Smith committed an offense relative to the operation of a motor vehicle while intoxicated, namely Driving While Intoxicated. CCP 18.01 (c) (2).

V.

WHEREFORE, PREMISES CONSIDERED, based upon this affidavit and Beeman v. State, 86 S.W.3d 613 (Tex. Crim. App. 2002), Affiant asks for a search warrant that will authorize Affiant or Affiant's agent to search the person, John Smith, for the blood evidence described above and seize the same as evidence that the offense described was committed and that the suspect committed the said offense.

VI.

Furthermore, the Affiant asks for issuance of an order to an appropriate third party directing them to assist the Affiant in the execution of said warrant.

_____ (Affiant)

SUBSCRIBED AND SWORN to before me by said affiant on this the _____ day of _____, 20____, I hereby acknowledge I have examined the foregoing affidavit and have determined that probable cause does exist for the issuance of a search warrant for the individual accused therein.

Magistrate, (Municipal)(Justice)(County)Court
(City of Bastrop)
Bastrop County, Texas

CAUSE NUMBER: _____

THE STATE OF TEXAS	§	_____ COURT
	§	
	§	
COUNTY OF _____	§	_____ COUNTY, TEXAS

SEARCH WARRANT

Article 18.02(10), Texas Code of Criminal Procedure

The State of Texas to the Sheriff or any Peace Officer of Travis County, Texas, or any Peace Officer of the State of Texas, GREETINGS:

WHEREAS, the Affiant, whose name appears on the Affidavit attached hereto is a peace officer under the laws of Texas and did heretofore this day subscribe and swear to said affidavit before me, which said Affidavit is here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this warrant and whereas I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief Affiant expresses herein and establishes the existence of proper grounds for the issuance of this Warrant:

Now, therefore, you are commanded to take custody of the suspect and transport the suspect to a physician, registered nurse, qualified technician, phlebotomist or medical laboratory technician skilled in the taking of blood from the human body, in (or near) Bastrop County, Texas, where the said physician, registered nurse, qualified technician, phlebotomist, or medical laboratory technician shall, in the presence of a law enforcement officer take samples of the Blood from the body of the following described individual:

John Smith, White/Male, DOB: 01/01/1981, TXDL: 12345678

Law enforcement officers are authorized to use all reasonable force necessary to assist the physical, registered nurse, qualified technician, phlebotomist or medical laboratory technician to take the samples from the body of the suspect. After obtaining the sample (s) of Blood, the physician, registered nurse, qualified technician, phlebotomist, or medical laboratory technician shall deliver the said sample (s) to the said law enforcement officer.

HEREIN FAIL NOT, but have you then and there this warrant within six (6) hours, exclusive of the day of issuance and the execution, with your return thereon, showing how you have executed the same.

Issued at _____'o clock ____m., on this the _____ day of _____, 20____ to certify which witness my hand this day.

Magistrate, Justice, Municipal Court
Bastrop, Bastrop County, Texas

CAUSE NUMBER: _____

THE STATE OF TEXAS § _____ COURT
 §
 §
COUNTY OF _____ § _____ COUNTY, TEXAS

OFFICER'S RETURN & INVENTORY
SEARCH WARRANT
FOR BLOOD FROM THE PERSON:

John Smith, White/Male, DOB: 01/01/1981, TXDL: 12345678

Search Warrant # _____

The Search Warrant for blood from the person of

John Smith, White/Male, DOB: 01/01/1981

came to hand on the day of , 20____ and was executed on the day of ,
20____ by taking the body of John Smith to a physician, registered nurse, or medical laboratory
technician skilled in the taking of blood from the human body as directed by the Court where the
said physician, registered nurse, or medical laboratory technician took a sample of the blood
from the said John Smith in the presence of Trooper Samuel Samplier, Badge Number 54321, a
law enforcement officer and delivered said sample of the blood to the said law enforcement
officer.

Writ returned on the _____ day of _____, 20____

OFFICER EXECUTING WARRANT

CAUSE NUMBER: _____

THE STATE OF TEXAS	§	_____ COURT
	§	
	§	
COUNTY OF _____	§	_____ COUNTY, TEXAS

AFFIDAVIT OF PERSON WHO WITHDREW BLOOD

Before me, the undersigned authority, personally appeared _____ who being duly sworn, deposed as follows:

“My name is _____.

I am over the age of eighteen (18) years and capable of making this _____ affidavit.

I am employed by _____
as a(n) _____.”

On _____, 20____, I withdrew a blood specimen from John Smith, White/Male, DOB: 01/01/1981. The blood specimen was taken using reliable procedures as recognized by the scientific community in the State of Texas and in a sanitary place as required by Texas Transportation Code Ann. § 724.017.

Affiant’s signature: _____

Affiant’s printed name: _____

Sworn and subscribed before me by the said Affiant on this _____ day of _____,
20____.

Texas Peace Officer in and for the State of Texas
Trooper Samuel Samplier, Badge Number 54321

